

**COUNTY COUNCIL
OF
HOWARD COUNTY, MARYLAND**

2008 Legislative Session

**Legislative Day No. 11
October 6, 2008**

HOWARD COUNTY TO WIT:

The Chairman called the session to order at 7:32 p.m.

Courtney Watson, Chairperson; Mary Kay Sigaty, Vice Chairperson; Calvin Ball, Council Member; Greg Fox, Council Member; and Jennifer Terrasa, Council Member, were present.

Sheila Tolliver; Administrator to the County Council; Margaret Ann Nolan, County Solicitor; Jim Vannoy, Office of Law; and Jennifer Sager, Legislative Coordinator for the County Administration, were also present.

APPROVE JOURNAL

The Chairperson moved to approve the journal for Legislative Day No. 10, September 2. Her motion was seconded by Ms. Sigaty.

The roll call vote called by the Chairperson to approve the journal was: Yea: Council Members Watson, Ball, Fox, Sigaty and Terrasa.

The motion to approve the journal passed.

APPROVE MINUTES

The Chairperson moved to approve the Minutes for the Public Hearing, September 15, 2008 and the Legislative Work Session, September 22, 2008. Her motion was seconded by Ms. Sigaty.

The roll call vote called by the Chairperson to approve the minutes was: Yea: Council Members Watson, Ball, Fox, Sigaty and Terrasa.

The motion to approve the minutes passed. (See attached.)

INTRODUCTION OF LEGISLATION

The following legislation is introduced by the Chairperson at the request of the County Executive unless otherwise noted:

Appointments

Council Resolution No. 100-2008 - Confirming the appointment of Henry M. Alinger to the Howard County Design Advisory Panel

A RESOLUTION confirming the appointment of Henry M. Alinger to the Howard County Design Advisory Panel.

Council Resolution No. 101-2008 - Confirming the appointment of Susan Fillmore to the Board of Directors of the Howard County Mental Health Authority

A RESOLUTION confirming the appointment of Susan Fillmore to the Board of Directors of the Howard County Mental Health Authority.

Council Resolution No. 102-2008 - Confirming the appointment of Jaykant Parekh, P.E. to the Board of Directors of the Economic Development Authority

A RESOLUTION confirming the appointment of Jaykant Parekh, P.E. to the Board of Directors of the Economic Development Authority.

Council Resolution No. 103-2008 - Confirming the appointment of Jennifer L. Soh to the Commission on Aging

A RESOLUTION confirming the appointment of Jennifer L. Soh to the Commission on Aging.

Council Resolution No. 104-2008 - Confirming the appointment of Lisa S. Spitulnik to the Public Works Board

A RESOLUTION confirming the appointment of Lisa S. Spitulnik to the Public Works Board.

Council Resolution No. 105-2008 - Confirming the appointment of Don Taylor to the Howard County Design Advisory Panel

A RESOLUTION confirming the appointment of Don Taylor to the Howard County Design Advisory Panel.

Council Resolution No. 106-2008 - Confirming the reappointment of Nathan Bergstein to the Board of Directors of the Howard County Mental Health Authority

A RESOLUTION confirming the reappointment of Nathan Bergstein to the Board of Directors of the Howard County Mental Health Authority.

Council Resolution No. 107-2008 - Confirming the reappointment of Chan Su Chong to the Commission on Aging

A RESOLUTION confirming the reappointment of Chan Su Chong to the Commission on Aging.

Council Resolution No. 108-2008 – Confirming the reappointment of John W. Eberhard to the Commission on Aging

A RESOLUTION confirming the reappointment of John W. Eberhard to the Commission on Aging.

Council Resolution No. 109-2008 - Confirming the reappointment of Raja J. Kudchadkar to the Commission for Women

A RESOLUTION confirming the reappointment of Raja J.Kudchadkar to the Commission for Women.

Financial

Supplementary Budget & Appropriation Ordinance No. 2-Fiscal 2009 –Transferring \$19,856 from the Grants Fund, Contingency Reserve to the Circuit Court to help pay certain mediation and salary costs

AN ACT transferring \$19,856 from the Grants Fund, Contingency Reserve to the Circuit Court to help pay certain mediation and salary costs.

General

Council Bill No. 58-2008 (ZRA-100) – Introduced by The Chair at the request of Greenberg Gibbons Commercial – Amending the Howard County Zoning Regulations to increase the size of permitted food stores in the PGCC (Planned Golf Course Community) zoning district; and generally relating to food stores

AN ACT amending the Howard County Zoning Regulations to increase the size of permitted food stores in the PGCC (Planned Golf Course Community) zoning district; and generally relating to food stores. (*ZRA-100*)

Council Resolution No. 110-2008 - Approving the terms and conditions of a Payment in Lieu of Taxes Agreement by and between the Howard County Housing Commission and Howard County, Maryland for a multi-family rental housing project known as Columbia Landing

A RESOLUTION approving the terms and conditions of a Payment in Lieu of Taxes Agreement by and between the Howard County Housing Commission and Howard County, Maryland for a multi-family rental housing project known as Columbia Landing.

Council Resolution No. 111-2008 - Pursuant to Section 4.201 of the Howard County Code declaring that certain real property known as the “Gateway School” comprising

approximately 7.768 acres owned by Howard County, Maryland and located at NW Route 108, Clarksville, Maryland is no longer needed by the County for public purposes; authorizing the County Executive to sell the property; waiving the advertising and bidding requirements of Section 4.201 of the Howard County Code; and providing that the County Executive is not bound to sell the property if he finds that it may have a further public use and submits his finding to the County Council for its consideration

A RESOLUTION pursuant to Section 4.201 of the Howard County Code declaring that certain real property known as the “Gateway School” comprising approximately 7.768 acres owned by Howard County, Maryland and located at NW Route 108, Clarksville, Maryland is no longer needed by the County for public purposes; authorizing the County Executive to sell the property; waiving the advertising and bidding requirements of Section 4.201 of the Howard County Code; and providing that the County Executive is not bound to sell the property if he finds that it may have a further public use and submits his finding to the County Council for its consideration.

Council Resolution No. 112-2008 - Pursuant to the Howard County Cable Television Systems Franchise Act, extending the time to enter into a secondary cable television franchise agreement with Ellicott City Cable Company, LLC for a secondary cable television franchise in Taylor Village

A RESOLUTION pursuant to the Howard County Cable Television Systems Franchise Act, extending the time to enter into a secondary cable television franchise agreement with Ellicott City Cable Company, LLC for a secondary cable television franchise in Taylor Village.

Council Resolution No. 113-2008 – Pursuant to the Howard County Cable Television Systems Franchise Act, extending the time to enter into a secondary cable television franchise agreement with Ellicott City Cable Company, LLC for a secondary cable television franchise in Waverly Woods

A RESOLUTION pursuant to the Howard County Cable Television Systems Franchise Act, extending the time to enter into a secondary cable television franchise agreement with Ellicott City Cable Company, LLC for a secondary cable television franchise in Waverly Woods.

Council Resolution No. 114-2008 - Pursuant to Section 5-301 of the Education Article of the Annotated Code of Maryland, approving the Howard County Board of Education’s Capital Budget Request for Fiscal Year 2010 and Capital Improvement Program Request for Fiscal Years 2011-2015 for the purpose of submission to the Interagency Committee on School Construction

A RESOLUTION pursuant to Section 5-301 of the Education Article of the Annotated Code of Maryland, approving the Howard County Board of Education’s Capital Budget Request for Fiscal Year 2010 and Capital Improvement Program Request for Fiscal Years 2011-2015 for the purpose of submission to the Interagency Committee on School Construction.

Council Resolution No. 115-2008 – Introduced by the Chairman - Calling the County Council of Howard County, Maryland into legislative session on October 20, 2008

A RESOLUTION calling the County Council of Howard County, Maryland into legislative session on October 20, 2008.

FINAL CONSIDERATION

Consent

Council Resolution No. 81-2008 – Confirming the appointment of Yvonne C. Howard to the Board of Social Services

Council Resolution No. 82-2008 – Confirming the appointment of Lynn Albizo to the Commission on Disability Issues

Council Resolution No. 83-2008 – Confirming the appointment of Stephen Rivers to the Commission on Disability Issues

Council Resolution No. 84-2008 – Confirming the appointment of Christine Abunassar to the Equal Business Opportunity Commission

Council Resolution No. 85-2008 – Confirming the appointment of Johnathan Lightfoot to the Equal Business Opportunity Commission

Council Resolution No. 88-2008 – Confirming the appointment of Rob Hollis to the Howard County Design Advisory Panel

Council Resolution No. 89-2008 – Confirming the appointment of Mohammad Saleem to the Howard County Design Advisory Panel

Council Resolution No. 90-2008 – Confirming the appointment of Paul Loren Yelder to the Planning Board

Council Resolution No. 91-2008 – Confirming the appointment of Dr. Joel Goodman to the Recreation & Parks Board

Council Resolution No. 92-2008 – Confirming the reappointment of James A. McQuarrie to the Alcoholic Beverage Hearing Board

Council Resolution No. 93-2008 – Confirming the reappointment of Paul K. Casey to the Housing and Community Development Board

Council Resolution No. 94-2008 – Confirming the reappointment of Lowell W. Adams of the Recreation & Parks Board

Council Resolution No. 95-2008 – Introduced by Chairman - Reappointing Maurice M. Simpkins to the Board of Appeals of Howard County, Maryland, to fill a term ending on December 31, 2013

Council Resolution No. 115-2008 – Introduced by the Chairman - Calling the County Council of Howard County, Maryland into legislative session on October 20, 2008

The Chairperson moved to adopt the consent resolutions. The motion was seconded by Ms. Sigaty.

The roll call vote called by the Chairperson on the motion was: Yea: Council Members Watson, Ball, Fox, Sigaty and Terrasa.

Council Resolutions No. 81-2008, No. 82-2008, No. 83-2008, No. 84-2008, No. 85-2008, No. 88-2008, No. 89-2008, No. 90-2008, No. 91-2008, No. 92-2008, No. 93-2008, No. 94-2008, No. 95-2008 and No. 115-2008 passed.

Council Resolution No. 86-2008 – Confirming the appointment of Phyllis E. Cook to the Howard County Design Advisory Panel

Council Resolution No. 87-2008 – Confirming the appointment of Phillips S. Engelke to the Howard County Design Advisory Panel

The Chairperson moved to table Council Resolution No. 86-2008 and Council Resolution No. 87-2008. The motion was seconded by Ms. Sigaty.

The roll call vote called by the Chairperson on the motion was: Yea: Council Members Watson, Ball, Fox, Sigaty and Terrasa.

The motion to table Council Resolutions No. 86-2008 and No. 87-2008 passed.

Financial

Supplementary Budget & Appropriation Ordinance No. 1-Fiscal 2009 – Transferring \$16,315 from the Grants Fund, Contingency Reserve to the Department of Police to help fund the Monitoring Support initiative

The Chairperson moved to adopt Supplementary Budget & Appropriation Ordinance No. 1-Fiscal 2009. The motion was seconded by Ms. Sigaty.

The roll call vote called by the Chairperson on the ordinance was: Yea: Council Members Watson, Ball, Fox, Sigaty and Terrasa.

Supplementary Budget & Appropriation Ordinance No. 1-Fiscal 2009 passed.

Council Bill No. 55-2008 – Supplementing Council Bill No. 35-2006 to allow proceeds of the County's Consolidated Public Improvement Commercial Paper Bond Anticipation Notes, Series D, to be used to finance additional costs of Capital Project No. E-1005 (Mt. Hebron High School Renovation) described in Council Bill No. 45-2008, and supplementing Council Bill No. 34-2006 to allow proceeds of the County's Consolidated Public Improvement Bonds authorized thereby to be used to refinance such project costs; and providing for and determining various matters in connection therewith

The Chairperson moved to adopt Council Bill No. 55-2008. The motion was seconded by Ms. Sigaty.

The roll call vote called by the Chairperson on the bill was: Yea: Council Members Watson, Ball, Fox, Sigaty and Terrasa.

Council Bill No. 55-2008 passed.

Council Resolution No. 80-2008 - Providing for the declaration of official intent pursuant to Treasury Regulation Section 1.150-2 in connection with the issuance and sale by the County of one or more series of its revenue bonds in an amount not to exceed \$2,500,000 for the purpose of financing certain capital expenditures by the Howard County Housing Commission in connection with renovations and repairs to the Colt's Crossing public housing complex

The Chairperson moved to adopt Council Resolution No. 80-2008. The motion was seconded by Ms. Sigaty.

The Chairperson moved to adopt Amendment No. 1 to Council Resolution No. 80-2008 as follows:

On page 1, in lines 1 and 2, strike "14-101 to 14-109" and substitute "12-101 to 12-118"
and

On page 1, line 2, strike "Article 41" and substitute "the Economic Development Article"
and

On page 1, in line 8, strike "or refinancing":
and

In each of the following places, strike "acquisition" and substitute "improvement":

1. On page 1, in line 8, and
2. On page 1, in line 12

and
On page 1, in line 10, strike "necessary expenses" and substitute "costs"

and
On page 1, in line 12, strike "or" and substitute "and"

and
On page 2, in line 2, strike "each of the counties and municipalities of"

and
On page 2, in line 3, after "acquisition", insert "or improvement"

and
In each of the following places, strike "(as defined in the Act)"

On page 2, in lines 5 and 6,

1. On page 2, in line 8,
2. On page 2, in line 10,
3. On page 2, in line 15, and
4. On page 2, in lines 15 and 16

and

On page 2, in line 7, strike "a" and substitute "an installment"

and

On page 2, in line 10, strike (1) "under a loan agreement" and (2) "or refinance"

and

On page 2, in line 12, strike "County" and substitute "public body"

and

In each of the following places, insert ", or the Maryland Industrial Development Financing Authority":

1. On page 2, in line 16, after "(as defined in the Act)" and
2. On page 2, in line 26, after "authority"

and

Beginning on page 2, in line 27 and continuing on page 3, in lines 1 to 5, inclusive, after "authorize" strike the colon and everything beginning with "(1)" to and including "chief executive officer," and substitute "its designee"

and

On page 3, in lines 6 and 7, strike "as the legislative body or board of directors deems appropriate" and substitute "that relate"

The motion was seconded by Ms. Sigaty.

The roll call vote called by the Chairperson on the amendment was: Yea: Council Members Watson, Ball, Fox, Sigaty and Terrasa.

Amendment No. 1 to Council Resolution No. No. 80-2008 passed.

The roll call vote called by the Chairperson on the resolution as amended was: Yea: Council Members Watson, Ball, Fox, Sigaty and Terrasa.

Council Resolution No. 80-2008 passed.

General

Council Bill No. 56-2008 (ZRA-98) – Introduced by The Chair at the request of Blue Stream, LLC - Amending the Howard County Zoning Regulations' CAC zoning district to modify limitations on certain banking institutions; provide exceptions to the height, setback, and floor area regulations, in certain instances; provide open space requirements; modify a certain prohibition on residential uses; and generally relating to the CAC zoning district

The Chairperson moved to adopt Council Bill No. 56-2008. The motion was seconded by Ms. Sigaty.

The Chairperson moved to adopt Amendment No. 1 to Council Bill No. 56-2008 as follows: *(This amendment would clarify the procedure for using dedicated open space in the CAC zoning district for public facilities along Rt. 1).*

On page 6, in line 16, after the period, insert “IN ACCORDANCE WITH SECTION 16.121(B) OF THE CODE, AT THE DISCRETION OF THE COUNTY, ALL OR A PORTION OF THE OPEN SPACE AREA SHALL BE DEDICATED AND DEEDED WITHOUT CHARGE TO HOWARD COUNTY FOR RECREATION OR FOR PUBLIC USE, INCLUDING BUT NOT LIMITED TO, COMMUNITY CENTERS AND LIBRARIES ALONG ROUTE 1.”.

The motion was seconded by Ms. Sigaty.

The roll call vote called by the Chairperson on Amendment No. 1 was: Yea: Council Members Watson, Ball, Fox, Sigaty and Terrasa.

Amendment No. 1 to Council Bill No. 56-2008 passed.

The Chairperson moved to suspend the rules to allow the introduction of amendments to Council Bill No. 56-2008 that were not prefiled. The motion was seconded by Ms. Sigaty.

The roll call vote called by the Chairperson on the motion was: Yea: Council Members Watson, Ball, Fox, Sigaty and Terrasa.

The motion to suspend the rules passed.

The Chairperson moved to adopt Amendment No. 2 to Council Bill No. 56-2008 as follows: *(This amendment would:*

1. *Create a new definition for amenity areas;*
2. *Clarify the building height and setback requirements for mixed-use and hotel structures;*
3. *Clarify that surface parking is excluded from the 50-foot “all other structure setback” from I-95;*
4. *Clarify that residences are not to occupy more than 50 percent of Rt. 1 frontage;*
5. *Ensure that open space requirements are constructed in phases proportional to residential and commercial requirements; and*
6. *Make other stylistic changes to the bill).*

On page 1, in line 1, after “*that*” insert “Section A of Section 103 (Definitions) is amended to add a new item 12 and the remainder of Section A shall be renumbered accordingly.”.

On page 1, in line 10, insert:

“SECTION 103: Definitions

“A. Except as provided for in Section 101 herein, terms used in these regulations shall have the definition provided in any standard dictionary, unless specifically defined below or in any other provision of these regulations:

12. AMENITY AREA: A USABLE OUTDOOR LANDSCAPED AREA SUCH AS A PLAZA, COURTYARD, GARDEN OR SIMILAR AREA WHICH IS DESIGNED TO BE OPEN TO THE PUBLIC, EASILY ACCESSIBLE AND COMPLIES WITH THE ROUTE 1 MANUAL.”

On page 4, strike in their entirety lines 13 through 18, inclusive, and substitute:

“(1) FOR HOTELS AND FOR STRUCTURES INCORPORATING EITHER FIRST FLOOR RETAIL OR STRUCTURED PARKING, IF AN ADDITIONAL 1 FOOT IN HEIGHT IS PROVIDED FOR EVERY 2 FEET OF ADDITIONAL SETBACK ABOVE THE MINIMUM FROM AN ADJOINING RESIDENTIAL DISTRICT (EXCLUDING RESIDENTIAL USES IN THE CAC DISTRICT).....65 FEET”.

On page 4, in line 23, strike “WITH” and substitute “IF”.

On page 4, in line 24, after “HEIGHT” insert “IS PROVIDED”.

On page 5, in line 10, after “STRUCTURES” insert “AND USES (EXCEPT SURFACE PARKING)”.

On page 6, in lines 18 and 22, in each instance, strike “SITE”.

On page 6, in lines 19 and 23, in each instance, strike “AREA” and substitute “ACREAGE”.

On page 8, in line 5, after “OPENINGS” insert “AND RESIDENCES OCCUPY NO MORE THAN 50% OF THE ROUTE 1 FRONTAGE”.

On page 8, in line 16, after “construction” insert “AND OPEN SPACE”.

On page 8, in line 18 strike “the” and substitute “A ROUGHLY” and, in the same line after “construction” insert “AND OPEN SPACE”.

The motion was seconded by Ms. Sigaty.

The roll call vote called by the Chairperson on Amendment No. 2 was: Yea: Council Members Watson, Ball, Fox, Sigaty and Terrasa.

Amendment No. 2 to Council Bill No. 56-2008 passed.

The roll call vote called by the Chairperson on the bill as amended was: Yea: Council Members Watson, Ball, Fox, Sigaty and Terrasa.

Council Bill No. 56-2008 passed as amended.

Council Bill No. 57-2008 - Introduced by Councilperson Fox - Amending reporting requirements by the Personnel Officer to the County Council; and establishing certain reporting requirements for positions created

The Chairperson moved to adopt Council Bill No. 57-2008. The motion was seconded by Ms. Sigaty.

The roll call vote called by the Chairperson on the bill was: Nay: Council Members Watson, Ball, Sigaty and Terrasa: Yea: Council Member Fox.

Council Bill No. 57-2008 failed.

Council Resolution No. 77-2008 – Approving the 2008 Amendment to the Howard County Master Plan for Water and Sewerage, consisting of text, tables, and maps incorporating various revisions based on:

1. An analysis of the water and sewerage systems, including systems expansion to serve presently undeveloped areas within the Planned Service Area and augmentation of undersized existing facilities; and
 2. The progress of projects for future water supply and sewerage treatment needs in the county and outside of the county, including improvements to the Western Third Zone water supply and expansion of the Patapsco Wastewater Treatment Plant being built in coordination with Baltimore City and Baltimore County;
 3. Review of service priorities for properties in the Planned Service Area; and
 4. Changes in the anticipated alignment, location, and sizing of future facilities
- (Tabled 07/30/08)*

The Chairperson moved to remove Council Resolution No. 77-2008 from the table. The motion was seconded by Ms. Sigaty.

The roll call vote called by the Chairperson on the motion was: Yea: Council Members Watson, Ball, Fox, Sigaty and Terrasa.

The motion to remove Council Resolution No. 77-2008 from the table passed.

The Chairperson moved to adopt Council Resolution No. 77-2008. The motion was seconded by Ms. Sigaty.

The roll call vote called by the Chairperson on the resolution was: Yea: Council Members Watson, Ball, Fox, Sigaty and Terrasa.

Council Resolution No. 77-2008 passed.

Council Resolution No. 96-2008 – Pursuant to Section 16.301 of the Howard County Code granting variances from the structure and use setback requirements at the new Robinson Nature Center along Cedar Lane in Columbia

The Chairperson moved to adopt Council Resolution No. 96-2008. The motion was seconded by Ms. Sigaty.

The roll call vote called by the Chairperson on the resolution was: Yea: Council Members Watson, Ball, Fox, Sigaty and Terrasa.

Council Resolution No. 96-2008 passed.

Council Resolution No. 97-2008 – Pursuant to Section 16.301 of the Howard County Code granting a variance from the height requirements at the Meadowbrook Park Indoor Sports Center at Meadowbrook Park

The Chairperson moved to adopt Council Resolution No. 97-2008. The motion was seconded by Ms. Sigaty.

The roll call vote called by the Chairperson on the resolution was: Yea: Council Members Watson, Ball, Fox, Sigaty and Terrasa.

Council Resolution No. 97-2008 passed.

Council Resolution No. 98-2008 – Supplementing the Historic Sites Inventory for Howard County and adopting certain criteria

The Chairperson moved to adopt Council Resolution No. 98-2008. The motion was seconded by Ms. Sigaty.

The roll call vote called by the Chairperson on the resolution was: Yea: Council Members Watson, Ball, Fox, Sigaty and Terrasa.

Council Resolution No. 98-2008 passed.

Council Resolution No. 99-2008 – Endorsing the filing of an application with the Maryland Transit Administration of the Maryland Department of Transportation for grants under the Federal Transit Act including the Large Urban Cities Program, the State Special Transportation Assistance Program (SSTAP), Section 5311, and the Americans with Disabilities Act Grant Program

The Chairperson moved to adopt Council Resolution No. 99-2008. The motion was seconded by Ms. Sigaty.

The Chairperson moved to adopt Amendment No. 1 to Council Resolution No. 99-2008 as follows: *(This amendment adds certain Federal Transit Act grant programs.)*

In the title, after “5311,” insert “Section 5309, New Freedom, Job Access Reverse Commute (JARC)”.

The motion was seconded by Ms. Sigaty.

The roll call vote called by the Chairperson on the amendment was: Yea: Council Members Watson, Ball, Fox, Sigaty and Terrasa.

Amendment No. 1 to Council Resolution No. 99-2008 passed.

The roll call vote called by the Chairperson on the resolution as amended was: Yea: Council Members Watson, Ball, Fox, Sigaty and Terrasa.

Council Resolution No. 99-2008 passed as amended.

ADJOURNMENT

The Chairperson adjourned the legislative session at 8:01 p.m.

TABLED LEGISLATION

Council Resolution No. 86-2008 – Confirming the appointment of Phyllis E. Cook to the Howard County Design Advisory Panel *(Tabled 10/06/08)*

Council Resolution No. 87-2008 – Confirming the appointment of Phillips S. Engelke to the Howard County Design Advisory Panel *(Tabled 10/06/08)*
